ASSOCIATION OF BAY AREA GOVERNMENTS

PROPOSED

PROJECT REVIEW POLICIES AND

PROCEDURES

APRIL, 1971

Assoc. of bay area governments,
San Francisco bay area

Grants-in-aid -- CA -- S. F. bay area

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ASSOCIATION OF BAY AREA GOVERNMENTS

Project Review Policies

and Procedures

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SCOPE OF REPORT

This report outlines the procedures and policies which govern the Association's Project Review Program. Since 1962, the Association has accepted and maintained the responsibility for the review and coordination of Federally assisted programs. That responsibility was broadened by the Intergovernmental Cooperation Act of 1968 and by subsequent U.S. Office of Management and Budget Circulars. This report implements the Office of Management and Budget Circular A-95, revised April 1, 1971, and is intended to outline the procedures and policies which govern the Association's function as Metropolitan Clearinghouse and its Project Review Program.

The activities for which the Association has a review responsibility are as follows:

1. The grant-in-aid programs covered under Appendix II of this report.

2. Certain FHA Housing Programs on the list provided in Appendix II.

   - Subdivisions of 50 lots or more
   - Multiple family dwellings of 100 units or more
   - Mobile Home Parks of 100 units or more.
   - College housing for 200 students or more

3. All Federal development projects undertaken by department of the federal government including acquisition, use and disposal of federal land.

4. All Federal programs providing assistance to State, regional and local projects and activities that are planned on a multijurisdictional basis.

The purpose of the project review program is to:

1. Implement regional policies, plans and programs.

2. Establishing a mechanism to insure that all planning activities of local, State and Federal agencies relate to a coordinated and unified regional planning program.

3. Emphasize the intergovernmental relations aspects of federally assisted and federal development projects.

4. Establish a process through which the regional significance, including environmental significance, of a proposed project can be evaluated.

5. Establish by means of early contact between agencies proposing projects and agencies affected by those projects, an expeditious method of review and coordination.

PROJECT NOTIFICATION AND REVIEW SYSTEM

1. Notification

Any local state or federal agency which proposes a project covered by this report shall file a Notice of Intent with ABAG early in the project development period. The agency proposing a project must fill out the Notice of Intent form attached to this report with the following information included.

a. Name of the agency
b. Geographic location of the proposed project
c. Brief description of the project

1. Program applied under
2. Purpose of the proposed project
3. General size and scale; estimated cost if available
4. Basic community benefits to be realized
5. Estimated date of filing of the applicant's formal application with the federal agency
6. A brief statement of whether or not an Environmental Impact statement is required and if so, an indication of the nature and extent of the environmental impact.

2. Clearinghouse Notification of Affected Agencies

After receipt of a project notification, the Clearinghouse will notify agencies found to be affected for their comment and review. The Clearinghouse will insure notification of:

(1) Unites of general local and county government of projects which are to be carried out within their jurisdictional boundaries.

(2) Special functional agencies established by local governments or state statue which carry on a program which will be affected by a proposed project.

(3) Agencies authorized to develop and enforce environmental standards of projects for which an environmental impact statement is required.

(4) Special agencies with programs which will be affected by a proposed project.

(5) Other Metropolitan Clearinghouses having jurisdiction is contiguous regions affected by proposed projects.

The Clearinghouse shall have 30 days in which to notify affected agencies and to determine if their are issues which would warrent formal review. The applicant shall be notified in writing no later than 30 days after the receipt of the Notice of Intent of the status of the project as it relates to areawide review and comment.

3. Criteria for Declaring Interest In Reviewing the Proposal

Following the notification of affected agencies, the staff shall consider

Which projects should have formal review. The staff shall prepare a list for Executive Committee approval each month which shall indicate those applications which will not need formal review. The guidelines for declaring a interest in formal review shall be as follows:

a. Project is of regional scale
b. Multijurisdictional programs
c. Project that will have an impact on the growth of the region
d. Agencies notified have raised issues
e. Environmental Impact Statements on projects which the staff believes should be reviewed.

f. All planning programs
g. Projects of local or regional significance which will have an impact on ABAG Programs.

h. Projects which will contribute to the fulfillment of areawide policies plans and programs.

Declared No Interest (projects which are primarily local in significance) - If it is determined that a project is local in scope and does not have an impact on areawide policies, plans and programs, a letter will be sent to the applicant within 30 days after receipt of the Notice of Intent indicating that ABAG finds that the project is of local significance and is not in conflict with local and areawide policies, plans and programs.

Interest Declared (projects which are primarily areawide in significance) - If an application falls within the guidelines provided above, the applicant will be notified within 30 days after receipt of the Notice of Intent that when the application is fully developed the Association will review the proposal within a period of 30 days before filing with the Federal Government. During the development stage, the staff may call a pre-application conference as deemed necessary involving the following agencies:

a. ABAG staff;
b. Local or regional agencies that have expressed an interest in the project;
c. State agencies that have expressed an interest in the project;
d. Federal agency involved in the project (the project agency or the the grant-in-aid agency).

4. Special Review Procedures

Due to the special nature of some federal programs for which the Association has a review responsibility, the following procedures shall be utilized.

a. Environmental Protection Agency Waste Treatment Facility Construction Grant Program - (P.L. 660)

Agencies applying under this program should send the Notice of Intent form to the Clearinghouse early in the project development stage. ABAG will automatically declare interest in the projects and meet with the applicant if necessary. Formal review of the application will follow after the Regional Water Quality Control Board has acted on the project and issued a pre-certification report. ABAG staff comments, if any shall be available for the Regional Water Quality Control Board's staff as deemed appropriate.

The Regional Board has responsibility for water quality management in the Bay Area and shall be relied on for technical review. ABAG shall review projects as they affect the Regional Plan and the Water Resources Planning Program. Additionally, the review will address intergovernmental questions such as consolidation and the subregional planning programs now underway in the Bay Area.

This review shall come prior to the final action by the State Water Resources Control Board.

b. Housing Projects

The OMB Circular A-95 includes 24 Department of Housing and Urban Development (HUD) housing assistance and mortgage insurance programs for projects of the following sizes:

- subdivisions, 50 or more lots;
- multifamily projects, 100 or more dwelling units;
- mobile home courts, 100 or more units; and,
- college housing, accommodations for 200 or more students.

Under the HUD housing assistance program procedures, a developer submits a preliminary application to the HUD area office. The application contains a description of the project including location, size, number of units, price level, and generalized site plan but does not contain the construction drawings. This preliminary evaluation takes less than 30 days and indicates whether the developer should continue with an application for mortgage insurance commitments. The ABAG review process will operate as follows:

1. The HUD area office (Federal Housing Administration) upon receipt of a project proposal shall submit it to ABAG for comment. This review shall take no more than 15 days. In its review, the Association shall consider the following aspects:

   a. The impact of the development on areawide policies as articulated in the Regional Plan and subsequent plan elements such as Housing, Open Space, Water Resources, Airports, Ocean Coastline Conservation and Development, etc.;

   b. Information gained from the notification by FHA shall be utilized to monitor growth and development of the Bay Area and to provide data for the Association's continuing Housing Planning Program. This data shall also be made available to interested local agencies.

2. If a project is found to have an impact on regional goals, a statement shall be sent to the HUD area office identifying the issues raised. This shall be considered a staff review, and shall be referred to the Executive Committee for review. The Executive Committee, at the earliest meeting, shall consider the action and concur, modify or reverse the staff comment. This action shall be forwarded to HUD for their consideration.

c. Transportation Facilities and Related Systems (except programs relating to airports and marine port development)

All projects received by ABAG which have a transportation element or are related to transportation planning (except programs relating

to airport and marine port development) shall be sent to the Metropolitan Transportation Commission for their review and comment. MTC shall have 15 days to express an interest in commenting formally on a proposed project. If MTC does not express interest in commenting formally on a proposed project this shall not preclude ABAG from formally reviewing the proposal.

If MTC desires to make a formal review of the project such review must be made 30 days prior to ABAG formal review. Meetings between MTC, the proponent, affected local agencies, state and federal agencies shall be called as deemed necessary. MTC shall provide the following transportation review of proposed projects:

- technical review based on data developed in the MTC planning program
- the extent to which an application is consistent with the transportation policies, plans and programs of MTC
- Additional comments as deemed appropriate by MTC and which may contribute to the fulfillment of transportation planning.

d. Health Related Projects

Proposed projects which are health related shall be sent to the Bay Area Comprehensive Health Planning Council, BACHPC, for an expression of interest. The BACHPC shall have 15 days in which to express an interest in formally reviewing a proposed project.

If the BACHPC expresses an interest ABAG shall notify the applicant and call meetings as may be necessary to resolve any issues raised in the review. BACHPC formal comment shall be transmitted to ABAG 30 days prior to formal review and comment by ABAG.

BACHPC shall provide comments based on the following information for ABAG consideration:

1. the extent to which a proposed project is consistent with the policies of the Bay Area Comprehensive Health Planning Council;
2. provide the technical information relating to the health delivery system as impacted by a given project;
3. provide any other review and comment which deemed relevant to the responsibilities of the BACHPC as identified in the memorandum of understanding entered into by ABAG and BACHPC.

III

PROJECT REVIEW POLICY AND CRITERIA

The following criteria and polices shall be utilized in the review of a proposed project. The review of proposed projects by the Association is, in part, a service to agencies in the Bay Area in identifying issues and assisting in their resolution.

Coordination of the regional planning policies and objectives of the Association with geographically larger state activities, geographically smaller local activities and the activities of specialized planning and regulatory agencies in the Bay Area is a positive goal. The specialized technical resources of such agencies will be utilized to the maximum extent possible by the Association to avoid duplication of effort and overlap, and their policy proposals will be given appropriate consideration.

In its review of project applications the Association shall consider and take account of all pertinent findings and decisions of all Bay Area specialized planning or regulatory agencies and Bay Area general purpose units of local government whose comment upon or approval of the project is required by law. The Association may request comments from such organizations when it believes them to be pertinent in the event they are not required by law.

The Executive Director shall cause project applications to be referred for consideration and recommendation to appropriate advisory and/or technical committees of the Association when he believes that to be desirable and practical within the applicable time limits and the intent of this policy.

The following policy and criteria shall govern the Association's Project Review Program.

1. ABAG Regional Plan 1970-1990

   All proposed projects shall be reviewed as they relate to the fulfillment of the Regional Plan 1970-1990 as approved by ABAG July 30, 1970. The goals and policies as articulated in the Regional Plan are summarized below:

   > To protect and enhance the quality of life in the San Francisco Bay Region. The city-centered concept for regional growth, development and environmental quality shall be the focal point of the Association's project review program.

2. Special Element Plans

   As special element plans are developed and policy is established they shall become an integral part of the Association's review.

3. Other Agency Plans and Policies

   Where a functionally specialized planning or regulatory agency exists and its plans and policies are found to be consistent with ABAG policies, said plans shall be utilized as the criteria for the review of projects which relate directly to those functionally specialized plans.

4. Environmental Impact

Projects shall be reviewed as they may have an impact on the environment of the Bay Area. Consideration shall be given, but not limited to the following factors as spelled out in Section 102 (2) (c) of the Environmental Policy Act of 1969:

a. the environmental impact of the proposed project;
b. any adverse environmental effects which cannot be avoided should the proposed project be implemented;
c. alternatives to the proposed project;
d. the relationship between local short term uses of man's environment and the maintenance and enhancement of long-term productivity;
e. any irreversible and irretrievable committments of resources which would be involved in the proposed project or action, should it be implemented;
f. the extent to which a project will have an adverse affect on the Bay Area environment. Specialized planning and regulatory agencies shall be utilized to the extent necessary in developing comments relative to the potential adverse environmental impact of a proposed project.

5. Coordination of Planning Activities in the Bay Area

The Association has the responsibility to provide for a coordinative planning program which relates all areawide planning by specialized agencies to a Comprehensive Regional Plan. The following policy and criteria shall be utilized to the extent necessary in determining the extent to which a project contributes to the fulfillment of the Association's program for a unified and Comprehensive Regional Plan.

a. Insure that planning activities are not duplicative of existing programs;

b. Insure that common or consistent planning jurisdictions are established on the basis of the nine county Bay Area;

c. Insure that common and consistent data bases are utilized in the development of specialized plans;

d. Provide evidence of explicit organizational or procedural arrangements for a continuing monitoring process between ABAG and the project proponent;

e. Where it is found to enhance the quality of proposed planning activities, and the comprehensive scope of such activities, applicants shall provide for joint funding of a project with the Association's Regional Planning Program.

6. General Provisions Relating to Project Status

a. Amendment or Withdrawal of Project Applications - Any project application may be withdrawn without prejudice to resubmittal or may be amended at any time after submittal by written request from the applicant.

The Association reserves the right to consider an amended application as a new application for purposes of this policy in cases where the amendment makes substantive changes in content or cost.

b. Incomplete Application - In the event of submittal of an incomplete project application, the Association shall advise the applicant as quickly as possible (with written confirmation) of the material needed to make it complete. If the incomplete application is not completed or withdrawn within 30 days of the original submittal, the Association shall transmit a letter of comment to the applicant which includes but is not limited to a negative recommendation on the basis of insufficient data.

c. Responsibilities of Association Staff - Subject to the policies and procedures established hereby, the staff of the Association shall be responsible for preparation of Association comments and recommendations regarding project applications. To that end, the Executive Director shall provide for efficient utilization of staff within established budgetary limitations and shall initiate appropriate measures for coordination and cooperation with other agencies concerned in the review process. He shall keep the Executive Committee informed by means of regular and special reports.

d. Appeal by Applicant - Any action relative to a project application by Association staff may be appealed to the Executive Committee of the Association by written request of the applicant submitted within 20 days after notification of the applicant of said action and will be considered at the next Executive Committee meeting provided the request is received at least 10 days in advance of the meeting.

e. Records - All project applications and supporting documents shall become property of the Association. Exception: special documentation such as maps, etc. may be returned to the applicant at his request if, in the judgement of the Association staff, they are not longer needed by the Association.

IV

ABAG-STATE OF CALIFORNIA CLEARINGHOUSE RELATIONSHIP

1. Notification of Intent to Apply

The applicant notifies the State Clearinghouse in the same manner as the Metropolitan Clearinghouse (ABAG). The State Clearinghouse will have 30 days after the receipt of the notification to inform appropriate state agencies. During the 30 day period the affected state agency will determine whether or not it wishes to make a comment on a proposed project.

2. Meeting and Conferring - Metropolitan Clearinghouse and State Clearinghouse

In an effort to make the review procedures as efficient as possible, the following procedure has been developed by the Association and the State of California, Office of Intergovernmental Management. Since ABAG and the State receive the notice of intent at the same time and notify their respective agencies, formal contacts with all agencies in "meeting and conferring" shall be done jointly. A meeting would be scheduled by the Association which would include: the applicant, the interested state agency, the federal agency administering the grant or development project, the interested local agency(ies) and the Association staff. The purpose of this meeting, called by the Clearinghouses, is to explore the project in greater detail.

3. Formal Comment

If the state wishes to make a formal comment, it shall send such comments to the Association at least 30 days prior to the filing by the applicant of the formal application. The Association shall consider the State Clearinghouse comment as deemed necessary.

In all cases, applicants for assistance under any of the programs covered in Appendix II must be accompanied by a statement from the two Clearinghouses. If no comments are made by state or local agencies, the Association shall state that such procedures have been followed and that no comments were made.

All Federal agencies administering federal development programs shall be reviewed in the same manner.

APPENDIX I

DEFINITIONS

In order to eliminate possible misunderstanding with regard to certain terms used in this report the following definitions are included. The basic source for these definitions is Bureau of the Budget Circular A-95. However, certain modifications have been made to make the report more relevant to the Bay Area.

1. ABAG Clearinghouse Jurisdiction - Covers the nine county Bay Area - Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo and San Francisco.

2. Federal Agency - Any department, agency, or instrumentality in the Executive Branch of the Federal Government and any wholly owned Government corporation.

3. Federally Assisted Programs - Programs that provide assistance through grant or contractual arrangements. These include technical assistance programs or programs providing assistance in the form of loans, loan guarantees, or insurance.

4. Federal Development Projects - Projects which are undertaken by a department or agency of the Federal Government. These include construction of Federal buildings and installations or other Federal public works or for the acquisition, use, and disposal of Federal land and real property.

5. Metropolitan Clearinghouse - The Association of Bay Area Governments has been designated by the Bureau of the Budget as the agency to perform review functions under Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 in the nine county San Francisco Bay Area.

6. Multijurisdictional Area - Any geographical area comprising, encompassing, or extending into more than one unit of general local government county or special purpose district.

7. State Clearinghouse - The Office of Intergovernmental Management, State of California, has been designated by the Governor as the focal point of the State review called for under OMB Circular A-95.

APPENDIX II

ASSOCIATION OF BAY AREA GOVERNMENTS

Federal Assistance Programs
Covered Under the Project
Review Program (4/1/71)*

Department of Agriculture

Comprehensive Areawide Water and Sewer Planning Grants
Irrigation, Drainage and Other Soil and Conservation Loans
Recreation Association Loans
Resource Conservation and Development Loans
Water and Waste Disposal Systems for Rural Communities
Watershed Protection and Flood Prevention Loans
Resource Conservation and Development
Watershed Protection and Flood Prevention

Department of Commerce

Economic Development -- Grants and Loans for Public Works and Development Facilities
Economic Development -- Planning Assistance
Economic Development -- Technical Assistance

Department of Defense - Army Corps of Engineers

Beach Erosion Control
Small Flood Control Projects
Small Navigation Projects
Snagging and Clearing for Flood Control

Environmental Protection Agency

Air Pollution Control Program Grants (Planning Only)
Solid Wastes Demonstration Grants
Solid Wastes Planning Grants
Construction Grants for Wastewater Treatment Works
Water Pollution Control -- Comprehensive Basin Planning Grants
Water Pollution Control -- State and Interstate Program Grants

* Source OMB Circular A-95

Department of Health, Education and Welfare

Comprehensive Health Planning -- Areawide Grants
Health Facilities Construction -- Diagnostic and Treatment Centers
Health Facilities Construction -- Hospitals and Public Health Centers
Health Facilities Construction -- Long-Term Care Facilities
Health Facilities Construction -- Rehabilitation Facilities
Mental Health -- Community assistance Grants for Narcotic Addiction (Construction Only)
Mental Health -- Construction of Community Mental Health Centers
Regional Medical Programs -- Operational and Planning Grants (Planning and Construction Only)
Health Professions Facilities Construction
Medical Library Assistance -- Regional Medical Libraries
Schools of Nursing -- Facilities Construction
Construction of Public Libraries
Higher Education Academic Facilities -- State Comprehensive Planning
Higher Education Academic Facilities Construction -- Interest Subsidization
Higher Education Academic Facilities Construction -- Public and Private Colleges and Universities
Higher Education Academic Facilities Construction -- Public Community Colleges and Technical Institutes
School Assistance in Federally Affected Areas -- Construction
Supplementary Education Centers and Services (Construction Only)
Vocational Education -- Basic Grants to States (Construction Only)
Juvenile Delinquency Planning, Prevention, and Rehabilitation (Planning and Construction Only)
Mental Retardation Community Facilities Construction
Vocational Rehabilitation Services -- Basic Support (Construction Only)

Department of Housing and Urban Development

College Housing Debt Service
College Housing Direct Loans
Interest Subsidy - Homes for Lower Income Families
Interest Reduction Payments - Rental and Cooperative Housing for Lower Income Families
Mortgage Insurance - Construction or Rehabilitation of Condominium Projects
Mortgage Insurance - Development of Sales Type Cooperative Projects
Mortgage Insurance - Homes
Mortgage Insurance - Homes for Certified Veterans
Mortgage Insurance - Homes for Disaster Victims
Mortgage Insurance - Homes for Low and Moderate Income Families
Mortgage Insurance - Homes in Outlying Areas
Mortgage Insurance - Homes in Urban Renewal Areas
Mortgage Insurance - Investor Sponsored Cooperative Housing
Mortgage Insurance - Land Development and New Communities
Mortgage Insurance - Management Type Cooperative Projects
Mortgage Insurance - Mobile Home Courts
Mortgage Insurance - Rental Housing
Mortgage Insurance - Rental Housing for Low and Moderate Income Families
Mortgage Insurance - Rental Housing for Low and Moderate Income Families Below Market Interest Rate
Mortgage Insurance - Rental Housing for Low and Moderate Income Families, Market Interest Rate
Mortgage Insurance - Rental Housing for the Elderly
Mortgage Insurance - Rental Housing in Urban Renewal Areas
Public Housing - Acquisition, Construction, Rehabilitation (New Construction Only)
Rent Supplements - Rental Housing for Low Income Families
Basic Water and Sewer Facilities -- Grants
Comprehensive Planning Assistance
Historic Preservation Grants

New Communities -- Loan Guarantees
New Communities -- Supplementary Grants
Open Space Land Acquisition and Development Grants
Public Facility Loans
Urban Systems Engineering Demonstration Grants
Model Cities Supplementary Grants
Community Renewal Planning Grants
Neighborhood Development
Urban Renewal Projects

Department of the Interior

Outdoor Recreation -- Financial Assistance
Outdoor Recreation Planning -- Financial Assistance
Irrigation and Drainage Systems Loans
Small Reclamation Projects
Historic Preservation

Department of Justice

Law Enforcement Assistance -- Comprehensive Planning
Law Enforcement Assistance -- Discretionary Grants
Law Enforcement Assistance -- Improving and Strengthening Law Enforcement

Department of Labor

Cooperative Area Manpower Planning System

Department of Transportation

Airport Development Aid Program
Forest Highways
Highway Beautification -- Landscaping and Scenic Enhancement
Highway Planning and Construction
Highway Planning and Research Studies
Public Lands Highways
Traffic Operations Program to Increase Capacity and Safety (Construction Only)
Urban Mass Transportation Capital Improvement Grants (Planning and Construction Only)
Urban Mass Transportation Capital Improvement Loans (Planning and Construction Only)
Urban Mass Transportation Technical Studies Grants (Planning and Construction Only)

National Science Foundation

Intergovernmental Science Programs

Office of Economic Opportunity

Community Action Operations (excluding administration, research, training and technical assistance, and evaluation).

Water Resources Council

Water Resources Planning